

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. Cancelled
2. (previously presented) The isolated nucleic acid sequence of claim 4, which originates from grapevine (*Vitis vinifera*).
3. Cancelled
4. (Amended herein) An isolated nucleic acid ~~having a sequence identity of at least 40% to a nucleic acid having sequence:~~
~~ACTTTTCGAG CCCCTTGAAC TGGAAATTAA TAGATTTTCG ACTTGACTT~~
~~TGAAAAGGAG GCAATCCCAC GGGAGGGAAG CTGCTACCAA CCTTCGTAAT~~
~~GTTAATGAAA TCAAAGTCAC TCAATGTCCG AATTTCAAAC CTCANCAAG~~
~~CAATAGCCAA T (consisting of the sequence SEQ ID NO: 1),~~
 and which conveys an ozone-inducible gene expression, or
~~which is a derivative, or~~
~~an allelic variant of the isolated nucleic acid sequence:~~
~~ACTTTTCGAG CCCCTTGAAC TGGAAATTAA TAGATTTTCG ACTTGACTT~~
~~TGAAAAGGAG GCAATCCCAC GGGAGGGAAG CTGCTACCAA CCTTCGTAAT~~
~~GTTAATGAAA TCAAAGTCAC TCAATGTCCG AATTTCAAAC CTCANCAAG~~
~~CAATAGCCAA T (SEQ ID NO: 1),~~
 which differs from said sequence by naturally occurring or artificially introduced variations and
 which conveys ozone-inducible gene expression.

5-44 Cancelled

OK to
enter.
9/24/03